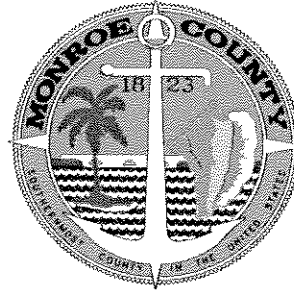


Memorandum



To: Planning Commission

From: Julianne Thomas, Planner
Alex Score, Biologist

Date: April 21, 2006

Re: Request for Land Use District Map Amendment

MEETING DATE: April 26, 2006

RE NUMBER: 00569510.000000

EXISTING FUTURE LAND USE MAP DESIGNATION: Mixed Use Commercial (MC)

PROPOSED FUTURE LAND USE MAP DESIGNATION: Mixed Use Commercial (MC)

EXISTING ZONING DESIGNATION: Sparsely Settled (SS)

PROPOSED ZONING DESIGNATION: Sub Urban Commercial (SC)

PROPERTY OWNER: Ocean Reef Acquisition Corp.

AGENT: None.

PROPERTY INFORMATION

Key: Key Largo **Mile Marker:** Ocean Reef

Size of Parcel: 227,877.45 S.F. or 5.23 acres

Location Detail & Brief Description:

The property is located on Key Largo in Ocean Reef. The property is legally described as Part of Ocean Reef Plat #1, PB4-90, Key Largo, Monroe County, Florida, having real estate number: 00569510.000000.

Existing Use:

The property is currently occupied by a variety of commercial and recreational uses. There are several swimming pools, beach chairs, sandy beaches and restaurants.

Existing Habitat:

The property is disturbed with both native and exotic landscaping.

Land Use and Habitat on the 1985 Existing Conditions Aerials:

The 1985 existing conditions aerials classify this property as Utilities.

Neighboring Land Uses and Character:

The adjacent properties are used for commercial uses, specifically for resort housing to utilize the recreation facilities found on Buccaneer Point.

ZONING AND LAND USE HISTORY

Pre – 1986 Zoning:

The subject property was zoned BU-2, Medium Business District prior to 1986. This district was intended to provide areas suitably situated for centers of commercial activity, area retail sales,

commercial activity, area retail sales, sale of fuels, mechanical services, wholesaling, warehousing, and storage.

Considerations during 1986 comprehensive plan process:

During the 1986 revisions to the Monroe County Land Development Regulations and land use designations (Ordinance 33-1986 dated February 28, 1986), the subject property was re-designated as Sparsely Settled (SS) with a FLUM of Mixed Use Commercial (MC).

Consideration during the 2010 comprehensive plan Process:

During the ensuing Comprehensive Plan process which culminated in the adoption of the Monroe County Year 2010 Comprehensive Plan in 1996, efforts were made to eliminate inconsistencies between the existing Land Development Regulations and the newly formulated Comprehensive Plan and to apply Future Land Use Map (FLUM) designations that were consistent with the land use district designations. The property, however, was given a FLUM designation of Mixed Use Commercial (MC) which is inconsistent with original Sparsely Settled (SS) land use district designation.

Map changes or boundary considerations since 1986:

This parcel has been developed and used for commercial and recreation purposes. The parcel is fully developed for these uses, and staff is seeking this change to make the zoning consistent with the FLUM designation.

ANALYSIS AND RATIONAL FOR CHANGE (Pursuant to Section 9.5-511 (d) (5) b.)

(i.) Changed projections:

None.

(ii.) Changed assumptions:

Ocean Reef Club (ORC) is a gated community and private club that limits access to the community by non-residents and non-members. The community is a de facto municipality providing its own sewer, garbage, police, fire protection and medical services. ORC is isolated, 12 miles from Key Largo and 30 minutes from Florida City and Homestead.

The original change in zoning was granted in part based on much of the vacant land along CR-905 being turned into a wildlife refuge. Staff believed that the environmentally sensitive nature of the lands could be protected by reducing the number of trips on CR-905. One way to reduce the number of trips is to provide for more services on site. The only way to provide more services on site is to create more areas which will allow for commercial development.

ORC provides amenities to its residents in the form of commercial retail services, offices, restaurants, offices, schools, and recreation opportunities.

(iii.) Data errors:

None.

(iv.) New issues:

Staff became aware that the current land use designation of SS was not consistent with the future land use of MC. Staff researched and discovered that commercial and

recreation activities already covered this parcel and determined that the land use designation should correspond with the use as well as the FLUM designation.

(v.) Recognition of a need for additional detail or comprehensiveness:

The current zoning of SS does not properly reflect the uses which occupy the parcel. In order for these uses to continue post substantial damage, the FLUM needs to be changed to be consistent with this zoning.

(vi.) Data updates:

None.

IMPACT AND POLICY ANALYSIS

Comparison of development potential for the Current and Proposed Land Uses:

1. Current Land development regulations (LDR's)

The property has a current FLUM designation of Mixed Use Commercial (MC) which is inconsistent with the SS land use district map designation.

Sec. 9.5-209. Purpose of the Sparsely Settled Residential District (SS)

The purpose of the SS district is to establish areas of low-density residential development where the predominant character is native or open space lands.

This designation is inconsistent with current and projected use. Current and projected use is recreation and commercial. This parcel is already fully developed with no native vegetation but rather with native landscaping.

2. Potential Land Uses with Proposed Map Amendment

Staff is requesting a land use designation map amendment from Sparsely Settled (SS) to Sub Urban Commercial (SC).

Sec. 9.5-206. Purpose of the Sub Urban Commercial District (SC).

The purpose of the SC district is to establish areas for commercial uses designed and intended primarily to serve the needs of the immediate planning area in which they are located. This district should be established at locations convenient and accessible to residential areas without use of U.S. 1.

This is the appropriate designation for this parcel to support the recreation and commercial uses which currently exist.

Compatibility with adjacent land uses and effects on community character:

Density and Intensity

Changing the Land Use Designation from SS to SC will not cause further development as the parcel is already fully developed. Rather, changing the Land Use Designation will allow the current non-conforming use to become conforming and remove the inconsistency with the FLUM.

Allocated and Max Net Density Permitted Per Acre

Sparsely Settled	
Allocated Density	Max Net Density
0.5	0.0

Sub Urban Commercial	
Allocated Density	Max Net Density
3.0	15.0

The maximum non-residential square footage permitted is as follows, the ultimate square footage allowed is dependant on compliance with all Monroe County Code requirements:

Commercial Maximum Floor Area Ratio Permitted

Sparsely Settled		
	MFAR	OSR
Beekeeping		
*Community Pool		
*Park		
*Public Building	0.20	0.20
*Minor Conditional Use		
per §9.5-267		

Sub Urban Commercial		
	MFAR	OSR
Recreational	0.10	0.2
Commercial High Intensity	0.15	0.2
Commercial Medium Intensity	0.25	0.2
Light industry, Institutional	0.30	0.2
Public Buildings	0.30	0.2
Commercial Low Intensity	0.35	0.2
Office	0.40	0.2

Use Compatibility

This property is currently being used for recreation and commercial purposes. It is completely developed with no natural areas remaining. There are several swimming pools, white sand beaches, beach chairs and tiki huts serving drinks and snacks. The use is currently Sub Urban Commercial, and this change is simply going to recognize the current use and eliminate the incompatibility with the existing FLUM.

Effects on Natural Resources Goal 102

Goal 102 of the Year 2010 Comprehensive Plan states that Monroe County shall direct future growth to lands which are intrinsically most suitable for development and shall encourage conservation and protection of environmentally sensitive lands. Future development would be required to comply with all Monroe County Code, State and Federal environmental regulations.

This parcel is already fully developed and has no effect on this goal.

Effects on Public Facilities: Objective 101.11

Monroe County shall implement measures to direct future growth away from environmentally sensitive land and towards established development areas served by existing public facilities. The proposed FLUM and Land Use District Map amendments will not affect Objective 101.11 and will encourage commercial development to remain on disturbed lands rather than encroaching on environmentally sensitive areas.

Local Traffic, Parking, and Traffic Circulation

The subject property is located in Ocean Reef, a gated community with limited access to non-members. Much of the travel within Ocean Reef is conducted using golf carts and staff has no evidence that there will be any local traffic, parking or traffic circulation issues created.

Effects on Public Facilities

ORC provides many of its own services in terms and anticipates no problem continuing to meet the community needs if this amendment is approved and enacted.

FINDINGS OF FACT AND CONCLUSIONS OF LAW:

1. **Section 9.5-511 (d)(5)b** of the Monroe County Code (MCC) allows the Board of County Commissioners to consider adopting an ordinance to enact map changes under six listed conditions.
2. In accordance with **Section 9.5-511 (d) (5) (b):**
 - (ii.) **Changed assumptions:**

ORC is a gated, private community committed to meeting the commercial and communication needs of its residents on site. As such, areas identified for commercial development need to have the appropriate land use designation to allow commercial development and use.
 - (iv.) **New issues**

Current use is not consistent with the existing land use designation or the FLUM. Changing the land use designation from SS to SC will recognize the existing uses and remove the inconsistency with the FLUM.
 - (v.) **Recognition of a need for additional detail or comprehensiveness:**

Staff discovered an inconsistency between the current land use designation and the FLUM. Research showed that the FLUM was correct and the current land use designation does not reflect current or projected use for this parcel.
3. The subject property was zoned BU-2, Medium Business District prior to 1986.
4. The subject property was assigned zoning of Sparsely Settled (SS) in 1986.
5. The Future Land Use Map of the Monroe County Year 2010 Comprehensive Plan, which took effect on January 4, 1996, followed the land use district boundary and designated a future land use category of Mixed Use Commercial (MC) for the SS parcel.
6. The appropriate Land Use Designation for this parcel given its use and FLUM designation is Sub Urban Commercial (SC).
7. **Section 9.5-511** prohibits any map amendments that would negatively impact community character. No negative impacts were identified.
8. **Objective 101.11** states that Monroe County shall ensure that at the time a development permit is issued, adequate public facilities are available to serve the development at the adopted level of service standards concurrent with the impacts of such development.
9. The **2005 Public Facilities Capacity Assessment Report** and the listed programs for stormwater and wastewater indicate that there are no significant concerns.

CONCLUSIONS OF LAW:

1. This map amendment meets criteria (ii), (iv), and (v) outlined in Section 9.5-511 of the Monroe County Land Development Regulations.
2. This map amendment will not result in a negative impact or alter the character of the properties or the immediate vicinity.
3. Based on the Findings of Facts presented, the proposed land use designation is appropriate for this property and will allow the owners to make full use of the subject property.

RECOMMENDATION:

Based on the above Findings of Fact and Conclusions of Law, staff and DRC recommends **APPROVAL** to the Planning Commission for the proposed Land Use Designation Map amendment from Sparsely Settled (SS) to Sub Urban Commercial (SC) for RE# 00569510.000000.

MAP Amendment: RE # 00569510.000000

